

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

KIERSTAN LOVETT,

Plaintiff,

v.

MERCY REHAB HOSPITAL ST. LOUIS,  
et al.,

Defendants.

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Case No. 4:19-CV-3106-NCC

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. Plaintiff initiated this case on November 15, 2019 and filed a motion for leave to proceed *in forma pauperis*. The Court granted the motion and reviewed the complaint pursuant to 28 U.S.C. § 1915(e)(2), and determined that it failed to state a claim upon which relief may be granted against the defendants. On July 23, 2020, the Court entered an Order directing plaintiff to file an amended complaint to cure the defects. (ECF No. 11). In the Order, the Court clearly explained why the complaint was subject to dismissal, gave plaintiff clear instructions about how to prepare the amended complaint, and cautioned her that failure to timely comply with the Order would result in the dismissal of her case.

Plaintiff's response was due to the Court on August 13, 2020. To date, however, she has neither complied with the Court's Order, nor sought additional time to do so. The Court gave plaintiff meaningful notice of what was expected, cautioned her that the instant case would be dismissed if she failed to timely comply, and gave her additional time to comply. Therefore, this action will be dismissed without prejudice due to plaintiff's failure to comply with this Court's July 23, 2020 Order and her failure to prosecute her case. *See* Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an


action for the plaintiff's failure to comply with any court order); *Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (per curiam) (affirming dismissal without prejudice where *pro se* plaintiff failed to file an amended complaint despite being cautioned that dismissal could result from failure to do so).

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

Dated this 21<sup>st</sup> day of August, 2020.

  
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RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE